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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of

**HARUNA et al**

Atty. Ref.: **1858-30**

Serial No. **10/009,304**

Group: **(Unknown)**

National Phase of: **PCT/JP00/03912**

International Filing Date: **June 15, 2000**

Filed: **September 26, 2002**

Examiner: **(Unknown)**

For: **NUCLEATING AGENT**

\* \* \* \* \*

November 18, 2003

**BOX PCT**

Assistant Commissioner for Patents  
Washington, DC 20231

**ATTN: International Division, Legal Staff**

**RESPONSE TO DECISIONS ON PETITIONS DATED MAY 19, 2003, AND  
RENEWED PETITION UNDER 37 CFR §1.42**

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Sir:

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This paper is being filed in response to the "Decision on Petitions to Vacate Abandonment and Under 37 CFR 1.42 and 27 CFR 1.47(a)" dated May 19, 2003 ("Decision"), which set a nominal response due date of July 19, 2003.

**I. PETITION FOR EXTENSION OF TIME**

Petition is hereby made for an extension of time from the nominal response due date of July 19, 2003, for four (4) months up to, and including, November 19, 2003. The appropriate extension fee under 37 CFR §1.17 is attached.

**II. RENEWED PETITION UNDER 37 CFR §1.42**

Applicants hereby renew the petition under 37 CFR §1.42 due to the death of the inventor, Masayuki TAKAHASHI. In addition, as will be explained below, the factual basis on which the Decision was reached have fundamentally changed so as to render the Decision moot.

Specifically, the undersigned has been informed that the deceased inventor's wife and sole heir at the time of the Decision, Ms. Yuko Takahashi, passed away on or about June 27, 2003. At present, the sole heirs of the deceased inventor's estate are his three children, Mr. Tetsuya Takahashi, Ms. Kaori Takahashi and Ms. Sayuri Takahashi ("the Takahashi children").

Attached hereto therefore is a Declaration under 37 CFR §1.63 which has been executed by the surviving inventor, Mr. Tooru HARUNA and each of the Takahashi children as sole heirs of their father's estate and on behalf of their deceased father, Masayuki TAKAHASHI.<sup>1</sup> An unequivocal statement to that effect appears in the body of the Declaration immediately prior to the signature blocks for each of the Takahashi children.

In view of the fundamentally changed circumstances described above, therefore, it is believed that all issues raised in the Decision have been rendered moot and that this application is in good order for acceptance under the provisions of Rule 42. Such favorable action is solicited.

### III. FEE AUTHORIZATION

It is believed that all fees required to be submitted with this paper have been attached hereto.<sup>2</sup>

However, in the event that any fee is deemed necessary in order for the Office to act on this petition, the Commissioner is hereby authorized to charge any deficiency in the fee(s) filed, or asserted to be filed, or which should have been filed herewith (or with any paper hereafter filed in this application by this firm) to our **Account No. 14-1140**.

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<sup>1</sup> It will be observed that all pertinent information including the deceased inventor's citizenship and last address appears on the accompanying Declaration as well.

<sup>2</sup> The penultimate paragraph on page 4 of the Decision notes that no additional petition fee is required.

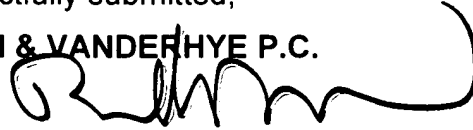
IV. CONCLUSION

An early and favorable reply to this petition is awaited. Should any small matter need to be resolved, however, the Petitions Examiner is encouraged to telephone the undersigned to explore the most expeditious manner of addressing the same.

Respectfully submitted,

NIXON & VANDERHUYE P.C.

By:



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Bryan H. Davidson

Reg. No. 30,251

BHD:lmy

1100 North Glebe Road, 8th Floor  
Arlington, VA 22201-4714  
Telephone: (703) 816-4000  
Facsimile: (703) 816-4100